Forth Crossing Act 2011

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PART 4

TAKING TITLE TO LAND

Notice to treat procedure

32 Severance disputes (notice to treat procedure): Lands Tribunal

(1) The Lands Tribunal, on receiving a referral under section 31(3)(c), must consider—

    (a) in the case of a partial acquisition of a house, building or factory, if some or all of the land in the notice to treat (with or without some or all of the remainder of the land identified in the objection) can be acquired without material detriment to the remainder of the land identified in the objection,

    (b) in the case of a partial acquisition of a house with a park or garden, if some or all of the land in the notice to treat (with or without some or all of the remainder of the land identified in the objection) can be acquired without seriously affecting the amenity or convenience of the house.

(2) If the Lands Tribunal determine—

    (a) in the case of a partial acquisition of a house, building or factory, that all of the land in the notice to treat can be acquired without material detriment to the remainder of the land identified in the objection, or

    (b) in the case of a partial acquisition of a house with a park or garden, that all of the land in the notice to treat can be acquired without seriously affecting the amenity or convenience of the house,

the notice to treat is to have effect as originally served.

(3) If the Lands Tribunal does not determine as described in subsection (2), it must determine the land which Ministers ought to acquire, being—

    (a) some of the land in the notice to treat, or

    (b) some or all of the land in the notice to treat with the addition of some or all of the remainder of the land identified in the objection,

and the notice to treat is deemed to cover that land (regardless of whether any of it is outwith the Act limits).

(4) Ministers may withdraw a notice to treat within 6 weeks of a Lands Tribunal determination under subsection (3) by notifying the objector to that effect.